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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,786	10/10/2003	Richard W. Cheston	RPS920030176US1	1797

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EXAMINER

WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,786

Applicant(s)

CHESTON ET AL.

Examiner

Yolanda L. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/10/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3,8-11,18,19,21,22,27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Topff et al. (USPN 6026500A). As per claim 1, Topff et al. discloses configuring a data processing system with diagnostic code for generating a trouble ticket containing information characterizing a system problem; enabling the data processing system to forward the trouble ticket to a remote server; configuring the remote server to receive the trouble ticket and respond with a return machine authorization number in column 6, lines 45-65; column 8; lines 39-42.

3. As per claim 2, Topff et al. discloses wherein the diagnostic code is executed in response to an event selected from a user requesting the execution due to a suspected system problem and the system detecting a problem in column 3, lines 46-48 and column 4, lines 19-39.

4. As per claim 3, Topff et al. discloses wherein the trouble ticket further comprises machine and user identification information and wherein the remote server is further configured to store the trouble ticket information in a service record database in column 6, lines 45-65; column 8, lines 39-42.

5. As per claim 8, Topff et al. discloses wherein configuring the data processing system with diagnostic code is further characterized as configuring the data processing system with an operational partition and a diagnostic partition capable of executing the diagnostic code in column 4, lines 19-39.

6. As per claim 9, Topff et al. discloses configuring the system to boot the diagnostic partition in response to an event selected from a user requesting the execution of the diagnostic code due to a suspected system problem and the system detecting a problem in column 4, lines 19-39; in column 3, lines 46-58. The diagnostic code is stored in memory.

7. As per claims 10,28, Topff et al. discloses wherein the diagnostic partition is located on a bootable device operably connected to the system in column 4, lines 19-39; in column 3, lines 46-58.

8. As per claims 11,29, Topff et al. discloses wherein the diagnostic partition is located on a data processing system remotely connected to the system experiencing the problem via a network on page 4, lines 19-39; in column 3, lines 46-58.

9. As per claim 18, Topff et al. discloses computer code means for performing diagnostic processing responsive to an event selected from a user requesting the diagnostic processing in response to a suspected system problem and the system detecting a problem; computer code means for generating a trouble ticket identifying the system and characterizing the problem; computer code means for forwarding the trouble ticket to a remote server; computer code means operative on the remote server for receiving the trouble ticket, storing the trouble ticket in a database, and responding

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with a return machine authorization number in column 6, lines 45-65; column 8, lines 39-42.

10. As per claim 19, Topff et al. discloses wherein performing diagnostic processing comprises booting a diagnostic partition of the data processing system containing the diagnostic processing code means in column 6, lines 45-65.

11. As per claim 21, Topff et al. discloses executing, in response to an identified problem with a data processing system, a diagnostic routine for generating a trouble ticket containing information characterizing the system problem and identifying the system configuration; forwarding the trouble ticket to a remote server; receiving the trouble ticket at the remote server and storing the trouble ticket information in a database; responding with a return machine authorization number in column 6, lines 45-65; column 8, lines 39-42.

12. As per claim 22, Topff et al. discloses wherein the system problem is identified by one of (i) automatically by the system and (ii) a user in column 6, lines 45-65.

13. As per claim 27, Topff et al. discloses wherein the data processing system is configured with at least an operational partition and a diagnostic partition and wherein executing the diagnostic routine comprises booting the system to the diagnostic partition in column 4, lines 19-39.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4-7,13-15,17,23-26,30-33,35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Topff et al. in view of Cogger et al. (USPN 6032184A).

16. As per claims 4,23, Topff et al. discloses fails to explicitly state enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel.

Cogger et al. discloses this limitation in column 16, lines 46-54.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel. A person of ordinary skill in the art would have been motivated to have enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel because the problem has not been resolved.

17. As per claims 5,24, Topff et al. discloses configuring the service record database to permit service personnel to utilize the trouble ticket information to aid in problem determination and resolution.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have configuring the service record database to permit

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service personnel to utilize the trouble ticket information to aid in problem determination and resolution. A person of ordinary skill in the art would have been motivated to have configuring the service record database to permit service personnel to utilize the trouble ticket information to aid in problem determination and resolution because the problem is referenced by its identification number.

18. As per claims 6,25, Topff et al. fails to explicitly state wherein the service action comprises a request selected from a call to a help desk for remote problem determination and repair and a return of the system to the service personnel for repair or replacement.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the service action comprise a request selected from a call to a help desk for remote problem determination and repair and a return of the system to the service personnel for repair or replacement. A person of ordinary skill in the art would have been motivated to have the service action comprise a request selected from a call to a help desk for remote problem determination and repair and a return of the system to the service personnel for repair or replacement because the problem needs to be resolved by someone other than the user.

19. As per claims 7,26, Topff et al. fails to explicitly requiring the user to provide the return machine authorization number prior to providing any service action.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have requiring the user to provide the return machine authorization number prior to providing any service action. A person of ordinary skill in the art would have been motivated to have requiring the user to provide the return machine authorization number prior to providing any service action because the problem is referenced by its identification number.

20. As per claims 12,30, Topff et al. fails to explicitly state enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel.

Cogger et al. discloses this limitation in column 16, lines 46-54.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel. A person of ordinary skill in the art would have been motivated to have enabling a user of the data processing system to, in response to the receipt of the return machine authorization number, request a service action from service personnel because the problem has not been resolved.

21. As per claims 13,31, Topff et al. fails to explicitly state configuring the service record database to permit service personnel to utilize the trouble ticket information to aid in problem determination and repair.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have configuring the service record database to permit service personnel to utilize the trouble ticket information to aid in problem determination and repair. A person of ordinary skill in the art would have been motivated to have configuring the service record database to permit service personnel to utilize the trouble ticket information to aid in problem determination and repair because the problem is referenced by its identification number.

22. As per claims 14,32, Topff et al. fails to explicitly state wherein the service action comprises a request selected from a call to a help desk for remote problem determination and repair and a return of the system to the service personnel for repair or replacement.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the service action comprise a request selected from a call to a help desk for remote problem determination and repair and a return of the system to the service personnel for repair or replacement. A person of ordinary skill in the art would have been motivated to have the service action comprise a request selected from a call to a help desk for remote problem determination and repair and a

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return of the system to the service personnel for repair or replacement because the problem needs to be resolved by someone other than the user.

23. As per claims 15,33, Topff et al. fails to explicitly state requiring the user to provide the return machine authorization number prior to providing any service action.

Cogger et al. discloses this limitation in column 16, lines 46-54 and in column 16, lines 9-18.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have requiring the user to provide the return machine authorization number prior to providing any service action. A person of ordinary skill in the art would have been motivated to have requiring the user to provide the return machine authorization number prior to providing any service action because the problem is referenced by its identification number.

24. As per claims 17,35, Topff et al. fails to explicitly state wherein the trouble ticket is returned to the user at a location other than the data processing system.

Cogger et al. discloses this limitation in column 12, lines 45-52.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have wherein the trouble ticket is returned to the user at a location other than the data processing system. A person of ordinary skill in the art would have been motivated to have wherein the trouble ticket is returned to the user at a location other than the data processing system because the problem is called in by the user; therefore, the ticket number is given over the phone.

Claim Rejections - 35 USC § 112

25. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

26. Claims 16,20,34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unknown as to which set of limitations are supposed to be in these claims; therefore, until it is known these claims will not be art rejected.

Claim Rejections - 35 USC § 101

27. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. These claims contain software per se; therefore, the subject matter is non-statutory.

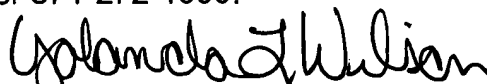
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yolanda L Wilson
Examiner
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